



## Ohio Administrative Code

### Rule 4731-13-18 Exchange of documents and witness lists.

Effective: July 31, 2016

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(A) At the time the hearing examiner schedules the hearing with input from the parties, a case management schedule shall be created which will include the deadline dates for each party to provide a list of both the witnesses and the documents intended to be introduced at hearing.

(B) Upon motion of any party, failure without good cause to provide the list of witnesses and documents by the deadline date established in the case management schedule may result in exclusion from the hearing of such testimony or documents.

(C) The hearing examiner shall set, in the case management schedule, the deadline dates by which the parties shall exchange hearing exhibits, identify lay and expert witnesses and exchange written reports from expert witnesses.

(1) Absent extraordinary circumstances, the failure of a party to produce an exhibit under the terms of the case management schedule shall result in the exclusion of that exhibit from evidence at hearing.

(2) Absent extraordinary circumstances, the failure of a party to identify a lay or expert witness under the terms of the case management schedule shall result in the exclusion of that witness' testimony at hearing.

(3) Absent extraordinary circumstances, the failure of a party to produce a written report from an expert witness under the terms of the case management schedule shall result in the exclusion of the witness' expert testimony at hearing.

(D) A party shall notify the hearing examiner of any deficiency in the materials provided by the other party within a reasonable period of time after discovery of the deficiency.

(E) A party shall notify the hearing examiner of any failure by the other party to comply with a



deadline imposed pursuant to this rule within seven days of the failure to comply.

(F) Any witness who intends to testify as an expert, including the respondent, must submit a written report. A written report by an expert shall set forth the opinions to which the expert witness will testify and the bases for such opinions. This paragraph will not preclude the respondent from testifying as a fact witness.

(G) Any exhibit exchanged by the parties which is a patient record or which contains information that is required to be kept confidential pursuant to any state or federal law may be provided only to agents of the parties for purposes of the administrative hearing and shall not be disseminated to any other person or entity.